

REMARKS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, 5-13, 15-28, 30-40 and 42-50 are pending, Claims 1, 12, 26, 38 and 50 having been amended by way of the present amendment.

In the outstanding Office Action Claims 1-2, 5-9, 12-13, 15-23, 26-28, 30-31, 38-40, 42-43 and 50 were rejected as being unpatentable over Kuo et al. (U.S. Patent No. 6,542,718) in view of Tanaka et al. (U.S. Patent No. 5,339,317); Claims 10-11 and 24-25 were rejected as being unpatentable over Kuo in view of Tanaka and in further view of Hakkinen et al. (U.S. Patent No. 6,567,459, hereinafter "Hakkinen"); Claims 36 and 48 were rejected as being unpatentable over Kuo in view of Tanaka and in further view of La Porta et al. (U.S. Patent No. 6,763,007, hereinafter "La Porta"); and Claims 37 and 49 were rejected as being unpatentable over Kuo in view of Tanaka in view of La Porta and in further view of Chuah (U.S. Patent No. 6,469,991).

The outstanding Office Action also asserts that Applicants' comments made in the Amendment filed June 27, 2006 regarding the rejection based on Kuo, are moot in view of the new grounds of rejection. Applicants respectfully traverse this assertion and incorporate by reference all of the arguments of the Amendment filed June 27, 2006. Furthermore, it is noted that each of the claims are rejected over a combination of Kuo in view of a secondary, tertiary or even quaternary reference. Therefore it is respectfully submitted that each of the comments of the previously filed Amendment are still applicable.

Nevertheless, each of the independent claims have further been amended to include two further features. One feature is the determination of a signal transmission permission criterion that is made based on a channel state. Support for this feature is found for example at step S21 at Figure 10 and step S71 at Figure 12 and therefore no new matter is added.

Secondly, each of the independent claims has been amended to describe that the modification of the signal transmission permission criteria is made according to a transmission waiting state in such a manner that the transmission permission criterion is made easier as a transmission waiting time is longer while the criteria is made more difficult as the transmission waiting time is shorter. The support for the “modification” feature is at least found in step S74 of Figure 12 and this correspondence of making the transmission permission criteria easier or harder based on the transmission waiting time is at least found in steps S75 and S76 of Figure 12 and therefore no new matter is added. Applicants further renew their comments that Kuo describes the termination of a transmission by using a signal-to-noise ratio but does not use the transmission waiting state as a criteria for determining whether to transmit the burst signal. Furthermore, it is respectfully submitted that neither Kuo nor any of the ancillary references teach or suggest the combination of the above two features that have been added to each of the independent claims. As these features provide additional, non-obvious attributes for modification of the signal transmission permission criteria based on channel state, it is respectfully submitted that each of the amended independent claims, is patentably distinguishing over the asserted prior art. As none of the secondary, tertiary or quaternary references teach or suggest these two additional features it is respectfully submitted that each depending claims patentably defines over the asserted prior art.


Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that Claims 1, 2, 5-13, 15-28, 30-40 and 42-50, as amended, is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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